

Court of Appeals, State of Michigan

ORDER

People of MI v James Edwin Wallace, II

Docket No. 307292

LC No. 2009-227663-FH

Stephen L. Borrello
Presiding Judge

Patrick M. Meter

Amy Ronayne Krause
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, this matter is REMANDED to the trial court for an evidentiary hearing and decision on the factual basis of the plea, particularly where the written record indicates that defendant's testimony is "indiscernible." The proceedings on remand are limited to this issue. The Court retains jurisdiction.

Defendant-appellant shall file with this Court a copy of any motion and supporting brief filed in the trial court within 14 days after the Clerk's certification of this order. Defendant-appellant shall also file with the Clerk copies of all orders entered on remand within 14 days after entry.

The trial court shall hear and decide the matter within 56 days after the Clerk's certification of this order. The trial court shall make findings of fact and a determination on the record and cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of the proceedings.

Defendant-appellant may file a supplemental brief pertaining to the issue raised on remand within 21 days after entry of the trial court's order deciding the matter or 21 days after the transcript of the hearing is filed, whichever is later. Appellee may file a supplemental brief in response within 21 days of being served with defendant-appellant's supplemental brief.

In all other respects, the application is DENIED for lack of merit in the grounds presented.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 25 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.
Chief Clerk